

SIDLEY

SIDLEY AUSTIN LLP
787 SEVENTH AVENUE
NEW YORK, NEW YORK 10017
+1 212 839 5839
+1 212 839 5599

AJKAPLAN@SIDLEY.COM

AMERICA • ASIA PACIFIC • EUROPE

April 27, 2022

By ECF

Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: *Sabby Volatility Warrant Master Fund Ltd. et al. v. Kiromic Biopharma, Inc. et al.*, Case No. 1:22-cv-01927-JMF

Dear Judge Furman:

We represent Defendants Americo Cicchetti, Michael Nagel and Jerry Schneider in the above-referenced action. Pursuant to Part 1.F. of Your Honor's Individual Rules and Practices, and with the consent of Plaintiffs' counsel, we write to seek an extension of defendants Cicchetti's, Nagel's and Schneider's time to answer, move or otherwise respond to the complaint in this action, specifically until June 30, 2022.

In consideration of this letter-motion for an extension of time, we note the following: Plaintiffs commenced this action on March 7, 2022, and defendants Cicchetti, Nagel and Schneider have returned executed Waivers of the Service of Summons forms to Plaintiffs' counsel. Those forms provide non-uniform dates for these individuals to respond to the complaint: for defendant Cicchetti, the date is July 5, 2022, and for defendants Nagel and Schneider, the date is June 6, 2022. In the interest of efficiency, defendants Nagel and Schneider seek additional time to allow these three defendants to respond at the same time. This is the first instance in which these individuals have sought any extension, and Plaintiffs have consented to this request. The Court has set an initial pretrial conference in this matter for July 14, 2022 (and before that date, defendants Cicchetti, Nagel and Schneider anticipate filing a motion to dismiss the complaint). Plaintiffs' counsel requested that we note that they provided the following materials to us, pursuant to Your Honor's March 31, 2022 Notice of Initial Pretrial Conference (ECF No. 35): (1) a copy of the Court's March 31, 2022 Order; and (2) the Court's Individual Rules and Practices.

SIDLEY

Hon. Jesse M. Furman
April 27, 2022
Page 2

Accordingly, for the foregoing reasons, we respectfully request that the Court grant defendants Cicchetti, Nagel and Schneider an extension to answer, move or otherwise respond to Plaintiffs' complaint until June 30, 2022.

Respectfully submitted,

/s/ Alex J. Kaplan
Alex J. Kaplan

cc: Counsel of Record (by ECF)